

29 29
(A)
LETTER

To the Right Honourable the

President of the

Concerning the

Oath of Abjuration,

As it relates to the

Church of SCOT-
LAND, in a Bill
now depending in
Parliament.

Quod tibi fieri non vis alteri ne facias.

Re-printed in the YEAR, 1716.



(2)

A

LETTER

To the Right Honourable the
E----- of -----, &c.

LONDON, June 7. 1716.

My LORD,

BEING informed there is a Bill depending in Parliament to enforce the OATH of ABJURATION, upon those that have neglected it, and to grant them a New Day for taking it, I thought it my Duty to give your Lordship this Trouble, concerning a Paragraph or two which some intend to offer in this Bill with Respect to SCOTLAND, whereby it is ENACTED, That all the Ministers or legal Incumbents who have not taken the said Oath, shall be obliged to take it before the ----- Day of ----- next; and upon their not obeying within that Time, their Churches shall become Vacant, ipso facto, and they shall be prosecuted and turned out of their Parishes by the Sheriff or his Deputy, and all Heritors and others are discharged to pay them any Stipend; all Presbyteries are obliged to declare their Churches vacant, and all Patrons are Impowered and Required to present another Incumbent without Delay, &c. and to this Purpose.

I shall not dispute the Loyalty of those that bring in these Clauses, nor their Love to the Peace and Quiet of the Church and Kingdom; but am bold to say, That however good their End may be, their Means is not so Conducive and Adapted as they may imagine; for the King's Interest can never be well pursued by Confounding and Distracting His Friends.

'Tis certain, and denied by none, That the Ministers, Gentlemen and others of the Church of Scotland, who refuse to take the Oath of Abjuration as now worded, are as true and hearty Friends to King GEORGE as any others in the Island, expressed their Zeal for the Hanover Succession in the late Reign, and have given eminent Proofs of their Love and Loyalty to the King and Government during the late unnatural Rebellion, in which none of their Number engaged, but all of 'em did heartily and strenuously oppose it in their several Stations and Capacities, and particularly in the South and West, where they much contributed to preserve that Country from the Hands of the Rebels, as is owned by every Body.

Permit me therefore to plead with your Lordship in their Behalf, tho' you know I am none of 'em, having taken that Oath, and have been always of an Opinion, That the Scruples of those Presbyterians are groundless. But knowing them to be Honest, Conscientious and Heartly Friends to the King and Government, I humbly think all possible Condescension should be made by the Parliament to People of their Merit, and that they should be distinguished from Jacobite Non-jurors.

I say, my Lord, permit me to tell your Lordship what they have to say for themselves. You know that the Acts of Settlement and Limitations, and the Oath of Abjuration, which refers

to those Acts, were made before the Union, and the Oath was calculated for the State and Church of England only; and the Union securing the Members of the Church of Scotland from any Oath contrary to their Principles, (of which Principles they think themselves to be the best Judges) they plead that upon the Union there should have been an Oath of Abjuration framed for the Church of Scotland, consistent with their Principles, which they would have heartily comply'd with. But this having been omitted in making the Union, and the late Earl of Godolphin, then at the Head of Affairs, being afraid of provoking the High-Church Party, by attempting it after the Union, he only concurred with the Friends of the Church of Scotland who served under him, Not to press that Oath upon the Ministers of that Church. But when the late Queen ANNE changed Her Ministry, and the Enemies of that Church were advanced at Court, and had pack'd a Parliament, an excessive Toleration, or rather an Establishment was granted to the Jacobite Episcopal Clergy of Scotland, and when the Bill was first brought in, it only enjoin'd them to take the Oath of Allegiance. Then the Friends of the Protestant Succession thought it expedient to have the Oath of Abjuration enjoined by the same Act upon those Episcopal Men, whose Friends thought it expedient for their Purpose to have the same Oath enjoin'd upon the Ministers of the Church of Scotland also in the same Act, Your Lordship may well remember this was done without the least Amendment in the Oath, to make it more plausible to the Scots Presbyterians, tho' earnestly pleaded for in both Houses.

When the Time came for taking that Oath, above 300 Ministers of that Church refused it, because of the Clause *As it is limited, &c.* By which they were apprehensive, that they Swore

to all the Limitations recited in that Act refer'd to, and consequently to the Church of England's Government and Worship. And yet they were not turn'd out of their Livings, because none but Two or Three of the Scots Episcopal Clergy did take the Oath; and the Queen could not handsomely prosecute the Presbyterians, without prosecuting the Episcopalists too, which she inclin'd not to do.

Thus it stood till His Majesty's happy Accession to the Throne, and then the Parliament assigned a New Day for taking the Oath, altered the Particle *As* to *Which* in the Relative Clause, and declared, That nothing was ever intended by that Clause contrary to the Church of Scotland as by Law Established.

This not answering the Design, I hear there is another Day to be appointed by the Bill now depending, and another Declaration more explicit than the former, which I wish may have the desired Success, tho' I do not expect it.

'Tis true, the Presbyterian Nonjurors of Scotland are willing to take an Oath to testify their firm Allegiance to King GEORGE, and the Succession in the Royal Protestant Family, and to abjure the Popish Pretender, and all other Pretenders to His Majesty's Crown and Kingdoms, provided there be no Words or Sentences in that Oath contrary to their avowed Principles. But it is the Unhappiness of those Gentlemen, that tho' the Particle *As* is changed into *Which*, and tho' the Parliament has declar'd as above, nay tho' this present Act should declare to the same Purpose in a more explicit Manner, they are still of Opinion, they ought not to take the Oath while there is any Clause in it referring in any Sort to the Act of Limitations; because (say they) in the Oath it is mention'd, That they take it according to the express Words of it, and the plain
and

and common Sense and Understanding of the same
 Words, and they know not how the Declaration
 of Parliament can alter that Sense.

*Therefore they still insist, That the OATH of
 ABJURATION should not be imposed
 on them with any such Clause.*

I Remember your Lordship objected, That the
 leaving out the Relative Clause might give
 Occasion to the present Nonjurors of reflecting
 on their Brethren who took the Oath with that
 Clause. And I am now credibly inform'd, That
 the Church of Scotland has taken all needful Pre-
 caution against such Reflections, by an Act of her
 General Assembly, wherein it is declar'd, That
 the Jurors and Nonjurors ought not to censure one
 another for their differing Sentiments about the
 Relative Clause, and their differing Practice of
 taking or not taking the said Oath; and this Act
 is readily complied with by both Parties, to the
 Preservation of the Peace both of Church & State.
 But, my Lord, may not all Occasion of Censure
 be removed by this Act now depending, if the
 Wisdom of the Nation shall think fit to leave out
 the Relative Clause, and the same Time declare, *It
 is left out only in Commiseration of the weak and
 needless Scrupulosities of some, who are otherwise
 good Subjects; or to that Purpose.*

And indeed it cannot be deny'd, but that they
 are as worthy Objects of the Parliament's Con-
 descension in this Affair, as the Quakers are in the
 Case of Oaths, and the Dissenting Ministers of
 England are in the Case of subscribing the Articles
 of the Church; for they are as well affected to the
 Government, and as active in the Defence and
 Service of the State, and therefore may equally
 hope for such an Indulgence.

Besides, your Lordship knows that the great
 End

End of the Oath of Abjuration will be gain'd in Scotland without the Relative Cause; for an Episcopal Man can scruple the taking of that Oath upon Account of that Clause, whereby the Protest is secured; so if it was left out of the Oath for the Church of Scotland, all His Majesty's good Subjects would be united and distinguish'd from His Enemies.

Your Lordship was pleas'd to say, That their Scruples are unprecedented among a People pretending to Religion and good Sense. Indeed, my Lord, I am sorry they differ from the most Part of Men in this Point, but must freely say, That some of the greatest Men in former Times, have been subject to the like Scruples; for not to mention the deluded Jacobites, I shall refer your Lordship to a Passage in the *Abridgment of Burnet's History of the Reformation*, Book I. P. 121. where we are told, "That the Secular and Regular Clergy, did every where Swear the OATH of SUCCESSION, (to the Children of Henry VIII. by his new Wife *Ann of Boleyn* his first Wife being alive) which none did, more zealously promote than *Gardiner*, who before the 6th of May 1534, got all his Clergy to Swear it: And the Religious Orders being apprehensive of the King's Jealousies of them, took Care to remove them, by sending in Declarations under the Seals of their Houses, that in their Opinion the King's present Marriage was lawful, and that they would always acknowledge Him Head of the Church of England, that the Bishop of Rome had no Authority out of his own Diocese, &c. A Meeting of the Council sat at Lambeth, to which many were cited, in Order to the Swearing the Oath, among whom was Sir *Thomas More* and *Fisher*. *More* was first called on to take it; he answer'd, That he neither blam'd those that made the Acts,

" nor

1. nor those that Swore the Oath, and that he was
 2. willing to Swear to maintain the Succession to
 3. the Crown, but could not take the Oath as it
 4. was conceived. Fisher made the same Answer,
 5. but all the rest that were cited took it. More
 6. was much press'd to give his Reasons against it;
 7. but he refused to do that, for it might be called
 8. a Disputing against Law; yet he would put
 9. them into Writing, if the King would com-
 10. mand him to do it. Cramer said, If he did not
 11. blame those that took it, it seems he was not
 12. perswaded it was a Sin, and so was only doubt-
 13. ful of it; but he was sure he ought to obey the
 14. Law, if it was not Sinful; so there was a
 15. Certainty on the one Hand, and only a Doubt
 16. on the other; and therefore the former ought
 17. to determine him. This More confess'd did
 18. shake him a little; but he said, He thought in
 19. his Conscience that it would be a Sin in him, and
 20. offered to take his Oath upon that, and that he was
 21. not led by any other Consideration. The Abbot
 22. of Westminster told him, he ought to think his
 23. Conscience was misled since the Parliament was
 24. of another Mind; an Argument well becom-
 25. ing a rich ignorant Abbot. But More said,
 26. If the Parliament of England was against him,
 27. yet he believed all the rest of Christendom was on
 28. his Side. In Conclusion, both he and Fisher de-
 29. clar'd, That they thought it was in the Power of
 30. the Parliament to settle the Succession to the
 31. Crown, and so were ready to swear to that; but
 32. they could not take the Oath that was tendered to
 33. them, for by it they must swear to maintain all
 34. the Contents in the Act of Succession, and in it the
 35. King's former Marriage was declared unlawful;
 36. to which they could not assent. Cramer press'd,
 37. that this might be accepted; for if they once
 38. Swore to maintain the Succession, it would con-
 39. duce much to the Quiet of the Nation; but
 40. " Sharper

sharper Counsels were more acceptable: so they were both committed to the *Tower*. The old Bishop was also hardly used, both in his Clothes and Diet; he had only Rags to cover him and Fire was often deny'd him; which was a cruelty not capable of any Excuse, and was as barbarous as it was imprudent.

I shall not comment on this pregnant Passage, for every Body may see that some very great Men in *England*, have shewn as much Weakness as these Nonjuring *Scots* Presbyterians.

Your Lordship was pleased also to say, You had been inform'd, that many of those Nonjurors will not take any Oath of Abjuration; and that therefore the desired Amendment would not serve the intended Purpose. I believe your Lordship has been misinform'd, for I doubt if there be any that absolutely refuse all Oaths of Abjuration. But if there should be one or two excentric Men, of peculiar Notions about Oaths; and tho' I must give them up to enjoy their *Nostrums, cum Periculo*, as not being able to speak for them; yet the whole Body of the Nonjurors will be well satisfy'd with this Amendment, and so will the Jurors too, and it will certainly unite them further, and render them capable of any future Service for the Government, and keep them in profound Peace.

But, my Lord, if this present Act only declare as above, & retain the Relative Clause in the Oath, and impose the Oath with the same *Penalty & Rigour* as is intended by those that bring in the Clauses with Respect to *Scotland*, after all that several Noble Lords and worthy Gentlemen have remonstrated to the contrary; I am afraid the Consequences will not be agreeable, but afford Reason to be sorry for such *rigid Methods* with conscientious and loyal Subjects.

For without that Amendment many of the present Nonjurors will, at all Hazards, refuse to

B

take

take the Oath; and the Civil Magistrate must execute the Law against them, and their Jurors Brethren obliged by a Law to plant their Churches with other Ministers, which many of the Jurors will not do, but rather take up with the same Lot of their sequestered Brethren. And if the Jurors do concur to plant the Nonjurors Kirks, will not the People be inflam'd against them as vile Persecutors of their conscientious Brethren, & so their Ministry will be blasted?

How many excellent Ministers, of whom the World is not worthy, must be turned out of Doors with their Wives and Children, without being provided for such a Storm with any worldly Means? And pray, my Lord, consider the *Jacobites* will inflame the Reckoning, and foment their discontents: Will they not laugh at the Nonjurors, when exposed to all the Calamities of Poverty and Neglect, after having been zealous for the Government, only for a needless Sentence in an Oath? Will they not jeeringly say, that the Government did scruple the leaving out the Relative Clause as much as the Nonjurors did the taking it? And so poor Peoples Affections will be alienated from the Establish'd Church and from the State, by playing on their Miseries, and improving every Turn to the Disadvantage of both. Oh! What Confusion must ensue in the Church of *Scotland*, by these distressed Brethren (as they will be called) and the numerous People that will adhere to them with Life and Fortune? *Tell it not in Gath*; let it never be said by Enemies, that that Church is exposed to more Divisions and Convulsions in this Reign than in the last. Did she ever deserve such Treatment from those that bring in the pinching Clauses? *Et tu quoque mi Fili*? Have not her Members acted a brave Part in the last Reign; a braver Part than any other Body of Men in *Britain*, if all was known? And when

God

God put the Ballance of Power lately in their Hands, did they not adhere to the Government of a Man, and cast the Ballance into the Scale of the Protestant Religion, King GEORGE and the Constitution? Surely then, my Lord, they should not be broken for a Trifle, because you may have farther Services for them as a Body.

And as the Nonjurors will regard themselves as persecuted for adhering to a good Conscience, so their sufferings will draw Compassion from People of all Denominations; which will not prove conducing to the Honour and Peace of the Government. Nay, my Lord, I don't know but such Confusions and Disorders may ensue by executing this new Law, (which some perhaps will take pleasure to execute rigorously) as may plead for a Standing Army to suppress them, and may cost the Government a considerable Expence of Blood and Treasure, beyond the Value of the Relative Clause; for I assure your Lordship, that when once those People are got into a State of Separation, by being thrust out of the Church, they will readily retire to the Mountains, and keep Field Conventicles, as some of 'em were bred to in the Reign of King CHARLES II. by reason of the pinching Laws then made on purpose to provoke Men to desperate Courses, that a specious Pretence might be had for a Standing Army. And when these poor Nonjurors are thus forced into the Wilderness, they will not regard an Act of Parliament or General Assembly any more than a Ballad. They will infallibly preach up their Covenants, and thereby draw many Thousands to their Party: They will not shun Dangers; and when overcome, they will be ambitious to suffer Martyrdom for their peculiar Opinions, and God knows when or how such a division will end.

I hope your Lordship will consider the Premises, and endeavour to prevent the Mischiefs that
now

now threaten that Church, and the Peace of the Civil Administration too in the Issue, which may be easily prevented by a small Condescension at this time, and which Condescension those Presbyterian Nonjurors highly deserve at the Hands of the State for good Service done, and may deserve farther if need be.

I'm astonish'd to hear that they who are most zealous for these pinching Clauses to be added, are generally esteem'd Well-wishers to the Church of Scotland, and true Friends to the Government; for were it an Enemy, I could have bore it; no Enemy could desire greater Mischief than to pursue the old Maxim, *Divide & impera*. Nay, I hear the same Topicks of Argument are used by them, as were used in the late Reign by the Tories for the same Purpose. Pray, my Lord, do not join them in this, for I believe they will repent it. But I'm sorry that the Interest of Religion, and the Peace of Churches, should, like Stocks, rise and fall by the Humours of Great Men, who have too often made a Stalking Horse of Religion. I beg Pardon for the Length of my Letter, but not for my Freedom, which I know is always most agreeable to your Lordship, and I conclude,

My LORD,

Your Lordship's old Friend, and

most obliged and obedient Servant,

PHILOPOLITEIUS.

